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10/808,577	03/25/2004	Kenji Kaneko	P25048 5557 EXAMINER		
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GREENBLUM & BERNSTEIN, P.L.C.			ALSOMIRI, ISAM A		
1950 ROLAND CLARKE PLACE RESTON, VA 20191			ART UNIT	PAPER NUMBER	
,			3662		
			DATE MAILED: 06/30/200	DATE MAILED: 06/30/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Edemaiors of time may be revisible under the provisions of 37 CPR 1.136(a). In no event, however, may a reply be timely filled after 50 (c) MONTH'S from the mailing date of this communication. If NO period for reply is specified above, the maximum stutiory period will apply and will replicate 50 (c) MONTH'S from the mailing date of this communication. Fallure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply vectored by the Ottoe later than these mornts after the mailing date of this communication, even if timely filed, may reduce any example and the maximum statutory period will apply and will explore 50 (k) MONTH'S from the mailing date of this communication, even if timely filed, may reduce any example and the maximum status and the split of the communication, even if timely filed, may reduce any example and the maximum statutes are split and the split of this communication, even if timely filed, may reduce any example and the split of this communication is communication. Status 1) Responsive to communication(s) filed on 18 April 2005. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-8 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5] Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on 25 March 2004 is/are: a) accepted or b) objected to by the Examiner. Applicant may not r	,	Application No.	Applicant(s)				
Lisam Alsomiri 3662		10/808,577	KANEKO ET AL.				
The MALING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extractions of them may be wished used the provision of 37 CFR 1.13(d), in no event, however, may a reply be timely filed. Extractions of them may be available used the provision of 37 CFR 1.13(d), in no event, however, may a reply be timely filed. Extractions of them may be available used the provision of 37 CFR 1.13(d), and in the statulory minimum of this (20) days, a reply within the statulory minimum of this (20) MONTHS from the mailing date of his communication. Finally be reply within the situ or state-did pienos for reply will, by statulor, cause the splicitation is become ARANDORED (38 U.S.C. § 133). Finally be reply within the situ or state-did prince for the mailing date of his communication, and the mailing date of his communication. Finally be reply within the situation is 11 CPU (10) and the mailing date of his communication. Finally be reply within the situation is 11 CPU (10) and the mailing date of his communication. Finally be reply within the situation is 11 CPU (10) and the mailing date of his communication. Finally be reply within the situation is 11 CPU (10) and the mailing date of his communication. Finally be reply within the situation is 11 CPU (10) and the situation is 20 CPU (10) and the provision of the situation is 20 CPU (10) and 12 CPU (10) and 12 CPU (10) and 12 CPU (10) and 12 CPU (10) and	Office Action Summary	Examiner	Art Unit				
Period for Reply A SHONTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. and SIX (6) MONTH'S both the mailing date of this communication. It he period for reply selected above, the maintenance and the statutory minimum of thiny (30) days will be considered limely. It MO period for reply selected above, the maintenance state of princip will apply and will expire SIX (6) MONTH'S from the mailing date of this communication. It has period for reply selected above, the maintenance state of princip will apply and will expire SIX (6) MONTH'S from the mainting date of this communication. It Mo period for reply selected above, the maintenance state of princip will apply and will expire SIX (6) MONTH'S from the mainting date of this communication. A properly received by the Office the firsh their their networks after the maining date of this communication, even if timely field, may reduce aftry stated patient term adjustment. See 37 CFR 1.764(b). Status 1) □ Responsive to communication(s) filed on 18 April 2005. 2a) □ This action is FINAL. 2b) □ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s) □ si/are allowed. 6) □ Claim(s) □ si/are allowed. 6) □ Claim(s) □ si/are allowed. 6) □ Claim(s) □ si/are objected to. 8) □ Claim(s) □ si/are objected to. 8) □ Claim(s) □ si/are objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) □ Acknowledgment is made of a claim for foreign priority under 35		1 1					
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11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☑ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☑ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☑ Certified copies of the priority documents have been received in Application No. 09/938.663. 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☑ Notice of References Cited (PTO-892) 2) ☐ Notice of Breferences Cited (PTO-892) 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 1 ☐ Notice of Informal Patent Application (PTO-152)	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
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DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura et al. US 5,877,892 in view of Kusaka US005578812A.

Re claim 1, Nakamura discloses in figures 1-16, a surveying instrument comprising: a sighting telescope optical system through which a sighting object can be sighted (see Abstract, col. 7 lines 55-61); a distance measuring system which measures a distance to the sighting object; and a phase detection autofocus system which detects a focus state of an image of the sighting object on a reference focal plane (see figure 14, col 6 lines 50-67); and an AF driver 30 which moves a focusing lens 12 of the sighting telescope optical system to bring the sighting object into focus in accordance with an output of the phase detection autofocus system (see col. 7 lines 5-12); Nakamura is silent about teaching a selector for setting a consecutive distance measurement mode in which said distance measuring system performs plural measurements of distances to said sighting object; and a controller which coordinates focusing operations of said AF driver with distance measuring operations of said distance measuring system in the consecutive distance measurement mode. Kusaka teaches an auto focus system which include a selector for setting a consecutive AF,

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which a include the claimed controller and performs plural measurements of distances to the object (see col. 19 line 48 – col. 21 line 54). It would have been obvious to modify Nakamura's system to include a selection for consecutive AF for moving objects which require constant focusing.

Re claim 2, Kusaka teaches the consecutive AF mode and operation are initiated by a single push operation of a start button (inherent by the selection device 70) (see col. 19 lines 25-47).

Re claim 3, Nakamura teaches the distance measuring system and the AF driver operate consecutively upon a single-push operation of the start button.

Re claim 4, it is inherent that the consecutive autofocus mode starts at the same time as the consecutive distance measurement, because the autofocus is based on the distance to the target.

Re claim 5, Nakamura teaches a controller which drives the AF driver to move the focusing lens to a predetermined position thereof so that an object at a predetermined distance is in focus when the sighting object is unable to be brought into focus in the case of a measurement mode in which a target is set at an arbitrary point.

Re claim 6, Nakamura teaches the surveying instrument is a total station (see col. 14 lines 26-30).

Re claim 7, Nakamura teaches the distance measuring system comprises a distance meter having a light-emitting element and a light-receiving element (see col. 14 lines 45-48).

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Re claim 8, Nakamura teaches the phase detection autofocus system comprises a pair of line sensors (see col. 6 lines 61-62).

Response to Arguments

Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isam Alsomiri whose telephone number is 571-272-6970. The examiner can normally be reached on Monday-Friday 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on 571-272-6979. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Isam Alsomiri

June 24, 2005

THOMAS H. TARCZA

SUPERVISORY PATENT EXAMINER

TECHNOLOGY CENTER 3600